

REMARKS

Claims 1-122 are pending in this application. Pursuant to a restriction requirement Applicants elected to first pursue claims 1-6, 15, 16, 34 and 35. Claims 7-14 and 36-122 have been withdrawn as non-elected claims. By this Amendment Applicants have canceled claims 2-5 and 34. The examiner has rejected the claims in issue under 35 U.S.C. §112, first and second paragraphs (OA, ¶¶ 7-22). Applicants respectfully traverse these rejections.

Applicants have amended the title to “Method for Inhibiting Surface ATPase Activity of Regeneration and Tolerance Factor”.

Applicants have amended the specification to list the priority application, 60/446,499, upon which priority is claimed.

Applicants have amended the last paragraph of page 11 to capitalize COULTER. The “fixative solution” accompanying the trademark is the generic description of the COULTER solution.

Applicants have amended claim 1 to recite: A method for inducing secretion of interleukin-1 β (IL-1 β) in a mammalian cell comprising administering an effective amount of an anti-regeneration and tolerance factor (RTF) antibody to inhibit surface ATPase activity of a regeneration and tolerance factor (RTF) of the cell to induce the secretion of IL-1 β from the cell. Applicants submit this claim is definite, enabled and has sufficient written description in the specification to meet the requirements of paragraphs 1 and 2 of 35 U.S.C. §112. IL-1 β is a well known cytokine and its roles in immuno responses are well documented and well known to those skilled in the art. Applicants have removed the language to a method for modulating and inflammatory and immune response and replaced it with a method for inhibiting the surface ATPase activity of RTF which in turn induces the secretion of IL-1 β . Applicants have also deleted the use of the terms first level and second level RTF activity. Applicants have amended the claims to state that the RTF activity is defined as the surface ATPase activity, which is supported on page 5, lines 29-30 and in Example 9 on page 13. Assay for ATPase activity is described in Example 2 on page 10.

Applicants have not amended the claims to recite that an effective amount of an anti-RTF antibody is administered to cause apoptosis in ovarian carcinoma cells. While such cells are specifically supported by Example 13, it is envisioned that other cell types could be targeted without departing from the scope of the present invention.

In view of these amendments and remarks, Applicants respectfully submit the claims are in conformance with paragraphs 1 and 2 of 35 U.S.C. §112 and request a withdrawal of the rejections thereunder.

Applicants note that the examiner has not recited any prior art rejections under 35 U.S.C. §§102 or 103.

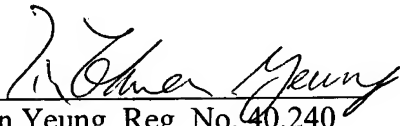
Thus, Applicants submit the claims as amended are in condition for allowance and respectfully request an early notice of the same.

Respectfully submitted,

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